

- 406.11 Individual age 65 or over who is not eligible as a social security or railroad retirement benefits beneficiary, or on the basis of government employment.
- 406.12 Individual under age 65 who is entitled to social security or railroad retirement disability benefits.
- 406.13 Individual who has end-stage renal disease.
- 406.15 Special provisions applicable to Medicare qualified government employment.

#### Subpart C—Premium Hospital Insurance

- 406.20 Basic requirements.
- 406.21 Individual enrollment.
- 406.22 Effect of month of enrollment on entitlement.
- 406.24 Special enrollment period.
- 406.26 Enrollment under State buy-in.
- 406.28 End of entitlement.
- 406.32 Monthly premiums.
- 406.33 Determination of months to be counted for premium increase: Enrollment.
- 406.34 Determination of months to be counted for premium increase: Reenrollment.
- 406.38 Prejudice to enrollment rights because of Federal Government error.

#### Subpart D—Special Circumstances That Affect Entitlement to Hospital Insurance

- 406.50 Nonpayment of benefits on behalf of certain aliens.
- 406.52 Conviction of certain offenses.

AUTHORITY: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

SOURCE: 48 FR 12536, Mar. 25, 1983, unless otherwise noted. Redesignated at 51 FR 41338, Nov. 14, 1986.

#### Subpart A—General Provisions

##### § 406.1 Statutory basis.

Sections 226, 226A, 1818 and 1818A of the Social Security Act and section 103 of Public Law 89-97 establish the conditions for entitlement to hospital insurance benefits. Sections 202 (t) and (u) of the Act specify limitations that apply to certain aliens and to persons convicted of certain offenses.

[48 FR 12536, Mar. 25, 1983. Redesignated at 51 FR 41338, Nov. 14, 1986, as amended at 56 FR 38078, Aug. 12, 1991]

##### § 406.2 Scope.

Subparts A through D of this part specify the conditions of eligibility for hospital insurance and set forth certain specific conditions that affect entitlement to benefits. Hospital insurance

is authorized under Part A of title XVIII and is also referred to as Medicare Part A. It includes inpatient hospital care, posthospital SNF care, home health services, and hospice care.

[48 FR 56026, Dec. 16, 1983, as amended at 50 FR 33033, Aug. 16, 1985. Redesignated and amended at 51 FR 41338, Nov. 14, 1986]

##### § 406.3 Definitions.

*First month of eligibility* means the first month in which an individual meets all the requirements for entitlement to hospital insurance except application or enrollment if that is required.

*First month of entitlement* means the first month for which the individual meets all the requirements for entitlement to Part A benefits.

*Insured individual* means an individual who has the number of quarters of coverage required for monthly social security benefits.

*Quarter of coverage* means a calendar quarter that is counted toward the number of covered quarters required to make the individual eligible for monthly social security benefits. A quarter is counted if during that quarter (or that calendar year) the individual earned a required minimum amount of money. (For details, see 20 CFR part 404, subpart B.)

##### § 406.5 Basis of eligibility and entitlement.

(a) *Hospital insurance without premiums.* Hospital insurance is available to most individuals without payment of a premium if they:

- (1) Are age 65 or over, or
- (2) Have received social security or railroad retirement disability benefits for 25 months; or
- (3) Have end-stage renal disease. Subpart B of this part explains the requirements such individuals must meet to obtain hospital insurance without premiums.

(b) *Premium hospital insurance.* Many individuals who are age 65 or over, but do not meet the requirements set forth in subpart B of this part, and certain individuals under age 65, may obtain